

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

MARK A. FORKNER (01)

No. 4:21-CR-00268-O

UNITED STATES' MOTION FOR AN INSTRUCTION FROM THE COURT

The United States, by and through the undersigned counsel, respectfully requests that the Court provide the following instruction to the jury at the beginning of trial, and the first time the topic of any crash of a 737 MAX is referenced at trial, and as part of the Court's final instructions to the jury. To that end, the United States respectfully requests that the Court provide the following instruction to the jury about any crash of a 737 MAX:

At this time, I would like to instruct the jury that the government does not allege that Mr. Forkner caused any plane crash. Mr. Forkner is not charged with causing any plane crash. He is charged with four counts of wire fraud. Your job as jurors is to determine only whether the government has proved beyond a reasonable doubt that Mr. Forkner committed those wire fraud offenses, and to follow the Court's instructions.

The above-referenced instruction would ensure that both parties have a fair trial by reminding the jury about the issues that they are to decide and the permissible bases upon which they may render a verdict.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I certify that I conferred with David Gerger, counsel for the defendant, who is unopposed to this motion.

s/ Cory E. Jacobs
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United States Department of Justice
Criminal Division, Fraud Section